

SECTION 1-116.1. In all actions as defined in Section 1-116 in which notice of pendency of the action is filed prior to the filing of the complaint, the plaintiff shall first obtain from the clerk a written order extending the date for filing the complaint as is provided in Section 1-121 of the General Statutes of North Carolina. A copy of the aforesaid order of the clerk and a copy of the notice of the pendency of the action shall be served on the defendant, or defendants, at the time of the service of summons. *Provided*, that in all such cases if the complaint is not filed within the time fixed by the order or orders of the clerk, entered in conformity with the provisions of Section 1-121 of the General Statutes of North Carolina, the notice of lis pendens shall become inoperative and of no effect. *Provided further*, that if the complaint is not filed within the time fixed by the order or orders of the clerk, the clerk may on his own motion and shall on the ex parte application of any interested party cancel such notice of lis pendens by appropriate marginal entry on the original record, which entry shall recite the failure of the plaintiff to file his complaint within the time allowed. Such applications for cancellation, when made in a county other than that in which the action was instituted, shall include a certificate over the hand and seal of the clerk of the county in which the action was instituted that the plaintiff did not file his complaint within the time allowed. The fees of the clerk may be recovered against the plaintiff and his surety.

G. S. 1-116.1, enacted.
Issuance of notice with summons, upon order extending time to file complaint.

Notice inoperative if complaint not filed in time allowed.

Cancellation of notice upon failure to file complaint.

SEC. 2. All laws and clauses of laws in conflict herewith are hereby repealed.

Conflicting laws repealed.

SEC. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 9th day of March, 1949.

H. B. 412

CHAPTER 261

AN ACT TO AMEND G. S. 161-6 RELATING TO DEPUTY REGISTERS OF DEEDS.

The General Assembly of North Carolina do enact:

SECTION 1. G. S. 161-6 is hereby amended by adding at the end thereof the following two paragraphs:

G. S. 161-6.
amended

"Each register of deeds is authorized and empowered, in his discretion, to designate an assistant register of deeds, who, in addition to his other powers and duties, shall be authorized to register and sign instruments and documents in the name and under the title of the register of deeds, by himself as assistant. Such signing shall be substantially as follows:

Designation of assistant register of deeds to act in name of register of deeds.